

**Appl. No.** : **10/621,010**  
**Filed** : **July 15, 2003**

### **REMARKS**

Claims 8-17, 21, 24-26, 30-38, 41, and 42 are pending.

#### Allowable Subject Matter

Applicant gratefully acknowledges that claims 30-33 are allowable over the prior art of record, as indicated in the Office Action.

#### Nonstatutory Obviousness-type Double Patenting Claim Rejections

Claims 24-26 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 11 of U.S. Pat. No. 7,025,871. Claims 8-17, 21, 34-38 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Pat. No. 7,025,871. Claims 41 and 42 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 24 and 25 of U.S. Pat. No. 6,599,409. The Office Action indicates timely filed terminal disclaimers may be used to overcome these rejections. Applicant submits herewith the suggested appropriate terminal disclaimers. Accordingly, Applicant respectfully asserts claims 8-17, 21, 24-26, 34-38, 41, and 42 are now in condition for allowance.

#### No Disclaimers or Disavowals

Although the present communication includes alterations to the claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

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Conclusion

The applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In view of the foregoing remarks, Applicant respectfully asserts that the pending claims are in condition for allowance, and respectfully requests reconsideration and withdrawal of the outstanding rejections.

The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any issues remain or if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney, at the number below, to resolve any such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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